

Chapter 9

Public Hearings

Chapter 9

Public Hearings

This section contains copies of the transcripts for public hearings held on the Draft EIS/EIR. Table 9-1 lists the date and location of the hearings and their associated comment code. Responses to comments are individually numbered in sequence, corresponding to the numbering assigned to comments in the transcript. The responses are prepared in answer to the full text of the original comment.

Table 9-1. Public Meetings on the Draft EIS/EIR

Code	Date	Location
PH1	January 24, 2006	Sacramento, California
PH2	January 25, 2006	Los Angeles, California
PH3	January 26, 2006	Stockton, California

PH1—Sacramento, CA, January 24, 2006

PH1

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SOUTH DELTA IMPROVEMENTS PROGRAM
DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT
STATEMENT
PUBLIC HEARINGS - JANUARY 24, 2006
HELD AT 650 CAPITOL MALL, 5TH FLOOR, BAY DELTA ROOM
SACRAMENTO, CALIFORNIA

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Court Reporter: Lori L. Haws, CSR #7298

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ASSOCIATED DEPOSITION REPORTERS 530/244-1944

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TUESDAY, JANUARY 24, 2006

9:13 A.M.

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MR. CANDLISH: Welcome to today's hearing on
the South Delta Improvements Program, Draft
Environmental Impact Report/Environmental Impact
Statement. This is one of three hearings held relative
to the National Environmental Policy Act and the
California Environmental Quality Act.

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A court reporter will be recording these
proceedings.

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My name is Alan Candlish, and I am the
Regional Planning Officer for the Bureau of
Reclamation's Mid-Pacific Region. I will be serving as
the hearing officer today.

15

At the hearing table with me is Kathy Kelly,
Chief of the Bay-Delta office of the Department of Water
Resources; and Sharon McHale, Project Manager for the
Bureau of Reclamation.

19

The comment period on the South Delta
Improvements Program began on Thursday, November 10th,
2005 with a notice of availability published in the
Federal Register and filing with the state clearing
house. Comments will be accepted on the Draft EIR/EIS
through Tuesday, February 7th of this year, 2006. We

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will be accepting both verbal and written comments today
at the hearing today along with hearings in Los Angeles
tomorrow morning and Stockton on Thursday evening.

4

To provide verbal comments you will need to
complete and submit a Speaker's Card. You can find
those at the back of the room just outside the entrance.
And if you want to make comments you should be
submitting this Speaker's Card to the -- at the
registration table. And please do so immediately so
that your name could be added to the speaker list.

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11 You also can submit written comments today.
12 These are also available at the registration table. If
13 you prefer not to be actually speaking to the group in
14 terms of your comments. But these, all of these
15 comments will be recorded for the record, the hearing
16 record today.

17 Written comments can also be submitted by fax,
18 e-mail or by just regular mail. In terms of the
19 comments, there is another form or piece of paper out
20 there giving you addresses and fax numbers and e-mail
21 addresses relative to submitting written comments on the
22 report.

23 Please understand that the purpose of today's
24 hearing is to receive comments on the South Delta
25 Improvement Program Draft EIR/EIS.

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1 Before we begin receiving public comment we do
2 have a short presentation that Kathy Kelly is going to
3 provide on the project.

4 MS. KELLY: Okay. Yes. I'm Kathy Kelly with
5 Department of Water Resources Bay-Delta Office. And I
6 just want to quickly go over the proposed project and
7 the decision process associated with implementing the
8 project.

9 This is the South Delta project area. The
10 export facilities are over here in the lower left. We
11 have Clifton Court Forebay for the state water project
12 and then for the Central Valley project, the Tracy
13 export facility is right here.

14 San Joaquin River is now over here on your
15 right. And this is the head of Old River and this is
16 the project area for the South Delta Improvement
17 Project.

18 The objectives of the program, there are three
19 objectives. The first is to reduce the straying of
20 San Joaquin River salmon that are out migrating on the
21 San Joaquin from straying into the South Delta; the
22 second is to provide adequate water levels and quality
23 for the South Delta farmers; and the third is to improve
24 the reliability and increase water supplies for the
25 state water project in CVP water users and provide the

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1 opportunity to export water for fish and wildlife
2 purposes by increasing the operational limit for the
3 state water project.

4 We have divided the proposed project into two
5 components. There is a physical structural component
6 and an operational component. We are recommending a
7 preferred physical structural component that consists of
8 four operable gates, some dredging, modifying some of
9 the diversions for the farmers in the South Delta, and
10 you will see that in just a minute.

11 The second component is increasing operational
12 limit for the state water project pumps. We have not
13 recommended a preferred way to operate at that higher
14 level, we have analyzed ways of doing that. And the
15 impacts associated with that, these scenarios are
16 analyzed in the EIR/EIS.

17 This is a map showing the preferred physical
18 structural component. There are four operable gates,
19 one at the head of Old River for -- to be operating for
20 fish protection and three in the -- further to the west,
21 one at Old River near Tracy, one at Grant Line Canal and

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22 one on Middle River.
23 We are also proposing some dredging in local
24 areas and some modifications of irrigation diversions in
25 this preferred physical structural component.

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1 This is what we are doing out there now.
2 Let me just back up for a minute. The site
3 that I'm focusing on is right here on Old River near
4 Tracy. We have been installing temporary barriers in
5 this area since the early '90s. And they consist of
6 installing rocks and culverts that capture the incoming
7 tide. When the tide starts to recede the flaps close
8 and so the water level's higher here and over here.
9 And then we have boat ramps at several of the
10 barriers and there's someone stationed there with a
11 pick-up truck and a trailer. So we install these
12 barriers during the irrigation season; and for the fish
13 barrier we install it twice: once during the spring and
14 once during the fall.

15 So we are taking these in and out a lot
16 throughout the year. It's a very cumbersome process.
17 And we have heavy equipment in there and we are dumping
18 rocks or pulling out rocks throughout the year for --
19 well, once for each barrier we are putting them in and
20 removing them.

21 So we would like to get away from this. These
22 aren't as effective as other facilities, and so -- we --
23 we almost went into the video.

24 What we are proposing is a permanent operable
25 gate at those locations. For the Grant Line location it

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1 would move further to the west from the location that
2 it's being installed at as a temporary barrier. There
3 is no exterior structure, you can see that we have a
4 boat lock. There are boat locks on Old River, Middle
5 River -- excuse me, Old River, Grant Line and at the
6 head of Old River. And there is no exterior structure
7 here.

8 What we are proposing are bottom hinged gates.
9 They look like this. As the tide comes in, or starts to
10 recede rather, they are raised and they capture the
11 water on the upstream side to meet the irrigator's needs
12 and to move the water through the South Delta to improve
13 water quality through circulation.

14 So as I mentioned, we are recommending a
15 preferred physical structural component. We are not
16 recommending an operational component.

17 There are three scenarios that are evaluated
18 and what this illustration shows is that under the no
19 action, where we're doing no increased export operation
20 we are exporting approximately 5.9 mil acre feet a year
21 with both projects, the Central Valley project and the
22 CVP project. We have analyzed a range of scenarios at
23 operating at the increased export limit that would
24 increase the average amount of exports from the Delta
25 from three to five percent. And that includes an

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1 assumption for water transfers that could be made under
2 this increased occasion port. If you remove that
3 assumption then we are looking at an incremental
4 increase of one to three percent.

5 We have a staged decision process for this
6 project of the -- the first stage -- and let me just

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7 explain this a little bit, we are over here in the
8 90-day public review period and we want to issue a
9 decision document on the preferred physical structural
10 component. And then we want to start another decision
11 process that would address increasing the export limit.
12 So this is the first stage and it would only
13 address a decision on the physical structural component.
14 Our objective is to be able to move forward on that
15 portion of the project because it's going to take until
16 2009 to get those facilities installed and operational.
17 And then we would start another discussion, public
18 process where we would evaluate the impacts, discuss the
19 wisdom, bring in information regarding the decline of
20 the Delta fishes to come to a decision on whether to
21 increase the export limit and how to do that.
22 That would start after we have issued a record
23 of decision on this first stage of the decision.
24 So just to summarize, this is our schedule, we
25 are over here in the public review period. We hope to

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1 have an EIR/EIS certified by August of this year, August
2 or September. At that point we would begin the final
3 design and the construction of the gates and we would
4 also begin the public process for deciding whether or
5 not we want to increase the export limit for the state
6 water project.

7 Thank-you.
8 MR. CANDLISH: Okay. Just to remind you on
9 a couple of things is today's hearing is to receive
10 public comment on the environmental document; and then
11 also, if you wish to make comments today, and haven't
12 filled out a comment card or comment request card yet,
13 please do so now and give it to the registration table
14 just outside the door.
15 Okay. We're going to proceed in the
16 following manner: I will call the first four names in
17 terms of comment cards. If these first four people
18 would come up front into these seats and then we'll call
19 your names in sequence from there so that -- in order to
20 expedite the hearing process.

21 Seeing as how we are limited right now in
22 terms of comment cards, I think what we'll do is try to
23 hold your comments to no more than ten minutes just so
24 that everybody has a chance to speak. If we get more
25 comment cards through the hearing then we may have to

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1 reduce that amount of time.

2 Then when you are called to the microphone,
3 please state your name and affiliation, spelling both
4 your first and last names. This is in order so that we
5 can get on the hearing record an accurate spelling of
6 the names and who you are representing. If you are just
7 representing yourself, that's fine also, just indicate
8 so.

9 I will be the timekeeper if we have to get
10 down to a conflict on time. And, I will indicate -- I
11 will give you a minute warning in terms of -- to give
12 you an opportunity to summarize your comments and wrap
13 up.

14 So again, if you wish to make any comments
15 submit a card.

16 So we have the first four people would be:
17 Tom Stokely from Trinity County; Cindy Kao from Santa

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18 Clara Valley Water District; Dave Fullerton from
19 Metropolitan Water District and Brent Walthall from Kern
20 County Water Agency.
21 Tom, come straight to the mic.
22 MR. STOKELY: Thank-you.
23 I'm Tom Stokely, that's T-o-m; S-t-o-k-e-l-y.
24 I'm with the Trinity County Planning Department in
25 Weaverville. And I'm here giving a summary of comments

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1 by the Trinity County Board of Supervisors.

2 Trinity County would like to ask for an
3 additional thirty-day extension on the comment period.
4 It's a rather extensive document and we would like some
5 more time to review it since it came during the holiday
6 season and January's very busy.

PH1-TS1

7 Essentially, we have no position or comments
8 on the physical barriers portion of the document, our
9 comments are completely related to the operational
10 component of the SDIP, which is the plan to increase the
11 pumping capacity at the state pumps.

12 We have several points, one is that we believe
13 the biological opinion that it's based upon for the
14 Central Valley Project long term operation criteria and
15 plan is faulty. It's been found faulty by an
16 independent technical review team convened by CALFED.
17 Also, the Department of Commerce's inspector general
18 found the biological opinion process violated government
19 procedures.

PH1-TS2

20 Secondly, the document does not consider an
21 alternative which reduces exports out of the Delta per
22 the Third District Court of Appeals decision on Regional
23 Council of Real Counties versus State of California,
24 Trinity County is a member of R.C.R.C. And again, it
25 improperly -- the Third District Court of Appeals found

PH1-TS3

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1 that the programmatic EIR for CALFED was inadequate
2 because it didn't consider an alternative that looked at
3 less water being exported out of the Delta.

4 Also in that same Third District Court of
5 Appeals decision they found that the programmatic EIR for
6 CALFED did not adequately analyze or disclose the
7 environmental impacts of diverting water from various
8 sources, including the Trinity River. At least we
9 believe the Trinity River is one of those areas that's
10 not adequately being disclosed.

PH1-TS4

11 Further, we believe that the proposal to
12 increase pumping out of the Delta per CALFED and other
13 decisions is really an amendment of the 1986 coordinated
14 operating agreement between the Bureau of Reclamation
15 and the Department of Water Resources. That original
16 EIS/EIR was in 1986 and looked at how the two projects
17 would be coordinated to meet Delta water quality
18 standards for, I believe it was D-1485 and D-1639
19 and never been a thorough analysis of how that
20 coordinated operations agreement has changed and will be
21 changed in the future.

PH1-TS5

22 And finally, we believe that it's premature to
23 assume that having larger deliveries of water to south
24 of Delta contractors is justified as several of the
25 contract renewals have not been completed. The

PH1-TS6

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1 San Luis drainage re-evaluation has not been completed.
2 And we might add that the most cost effective

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3 alternative -- the economic analysis for the San Luis
4 drainage showed that the most cost effective method was
5 actually to retire land in the San Luis unit which could
6 allow for reduced Delta exports.
7 Trinity County in our comments, if you haven't
8 received them, we did include a couple of tables in
9 there that we have been working on for about the past
10 year-and-a-half, actually two years. We identified some
11 fairly firm numbers within the San Luis I unit that if
12 you were to retire drainage problem lands as identified
13 by the Bureau of Reclamation in its own documents it
14 would save roughly 790,000 acre feet of water that that
15 would be the basis for an alternative that we reduce
16 exports out of the Delta and eliminate the need to
17 increase the pumping capacity at the state pumps.
18 We also have some very preliminary numbers for
19 Tuolumne and Kern County and we identified potentially
20 over a mil acre feet of water savings from irrigating
21 arable lands that are having drainage problems. That is
22 a very preliminary estimate.
23 I think our most significant issue that we
24 have with the documents is your analysis of impact on
25 the Trinity River. It's very inadequate. Your
0014 Appendix Q basically looked at impacts on coho salmon
1 and then assumed that if the coho salmon are okay in the
2 Trinity River then so will be chinook, the steelhead,
3 the sturgeon and all the other species that are --
4 depend on that.
5 If you recall there was a biological opinion
6 on the Klamath River, Klamath Trinity coho, the Klamath
7 project, and even though that biological opinion was
8 intended to protect the coho salmon, its implementation
9 resulted in the death of 68,000 adult chinook salmon in
10 the lower Klamath River in the year 2002. So again, if
11 you are relying on an analysis of coho, it's not
12 appropriate. Coho salmon usually migrate and spawn in
13 the late fall, early winter in the Trinity River when we
14 do not have temperature problems, whereas the fall and
15 spring chinook either migrate or hold during the warmer
16 summer and early fall months.
17 Your EIS/EIR has no ranges which show what
18 percentage of the time there would be exceedances (sic)
19 of temperature requirement for Trinity River. You did
20 mention them, but there is no analysis on there. I
21 worked for ten years on the Trinity River EIS/EIR
22 supplemental EIS/EIR, we did an analysis of temperature
23 impact to the Trinity River, the Sacramento River. We
24 had tables that showed the number of exceedances, you
0015 have none of those things.
1 You also failed to mention that the use of
2 cold water from Trinity Lake is now really the last
3 lifeline of support to keep salmon alive in the Lower
4 Trinity River as they are migrating -- excuse me, in the
5 Lower Klamath River as they are migrating up to the
6 Trinity River and the Klamath River. With the
7 exception of this year, in 2004 and 2003 many thousands
8 of acre feet of cold water were released in the Trinity
9 Reservoir to reduce temperatures and dissolve --
10 increase -- increase -- dissolve oxygen in the Lower
11 Klamath River to prevent another fish kill from
12 occurring. We don't see any analysis of making
13

PH1-TS6

PH1-TS7

PH1-TS8

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14 available a percentage of cold water in Trinity Lake to
15 make sure that happens in the future. As long as
16 Klamath project operations continue the way they are
17 there is very likely going to be a need for that in the
18 future. PH1-TS8

19 Some of your modeling is also in conflict with
20 the Trinity River Record of Decision. The Trinity River
21 Record of Decision and the biological opinion contains a
22 minimum carryover storage in Trinity Lake on September
23 30th of 600,000 acre feet, with reconsultation with
24 National Marine Fishery Service may go down to 400,000
25 acre feet if power plant bypasses occurring; however,
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1 your modeling used a minimum pool in Trinity Lake of
2 250,000 acre feet and 500,000 acre feet. Those are very
3 inconsistent with the Trinity River Record of Decision
4 and the biological opinion for the Trinity Record of
5 Decision. PH1-TS9

6 Some of the tables that you used in your
7 document you did a very good job of explaining the
8 difference between existing conditions and the no action
9 alternative in the year 2020, but we saw no similar
10 analysis for carryover storage in Trinity Lake under the
11 different alternatives. We just now have some decision
12 that everything was fine. But we certainly saw nothing
13 to show that you actually analyzed it, or certainly
14 nothing to present it to the public. PH1-TS10

15 Your tables also generally showed amounts in
16 terms of monthly carryover storage or monthly acre feet
17 exported to the Central Valley. Normally what I have
18 seen in these kind of documents is that those volumes
19 are shown in terms of acre feet annually.

20 MR. CANDLISH: Time to wrap up your comments.
21 MR. STOKELY: Okay. And so anyway, we'll
22 have some comments in to you in writing if you haven't
23 received them already.
24 If anybody would like to receive our comments
25 give me your e-mail and I will send them to you.

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1 And thank-you very much for the opportunity.
2 MR. CANDLISH: Thank-you, Mr. Stokely.
3 Cindy Kao from Santa Clara Valley Water
4 District.
5 MS. KAO: My name is Cindy Kao, C-i-n-d-y;
6 K-a-o.
7 And I would like to make a statement on behalf
8 of the Santa Clara Valley Water District. The Santa
9 Clara Valley Water District provides wholesale water
10 supply and watershed management to 107 million residents
11 of Santa Clara County including the vital high tech
12 economy known as Silicon Valley. On average half of
13 the County's water supply must be imported from the
14 Bay-Delta watershed through the state water projects and
15 the Central Valley project. PH1-CK1

16 We support continued progress on development
17 of the South Delta Improvements Program as a key
18 component of the CALFED Record of Decision and the Delta
19 Improvements Package.
20 The program is proposed to be implemented in
21 two stages with Stage One being construction of the
22 operable gates and Stage Two being the increase in bank
23 pumping plant operation to 8,500 CFS. The primary
24 benefit of the program is increased operational

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25 flexibility for the state water project to protect Delta
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1 fisheries and as a result, Delta agricultural interests.
2 Based on analyses in the draft EIR/EIS the PH1-CK1
3 District anticipates slight improvements in its state
4 water project in the Central Valley Project contract
5 supplies, with implementation of Stage Two in total
6 annual increases of about 2,000 acre feet in critical to
7 below normal years.
8 The Draft EIR/EIS also shows that average
9 salinity in Clifton Court as measured by EC could PH1-CK2
10 degrade one percent in Stage One and four percent in
11 Stage Two.
12 The District strongly supports the CALFED
13 objective of continuous water quality improvements and
14 must be concerned about any project that could degrade
15 its source water quality. We believe that the
16 Department of Water Resources needs to adequately
17 monitor and manage program implementation to avoid any
18 potential water quality impacts.
19 We also support implementing the program in
20 two phases to allow time to understand better any PH1-CK2
21 changes in Clifton Court water quality and to allow time
22 for other projects to develop that may offset water
23 quality impacts.
24 Overall, the District supports implementation
25 and operation of the South Delta Improvements Program in
0019
1 coordination with a long term vision for a sustainable
2 Delta.
3 Thank-you for the opportunity to comment
4 today; and further comments will be provided in writing.
5 MR. CANDLISH: Thank-you, Cindy. And I
6 apologize for messing up your last name.
7 MS. KAO: That's okay.
8 MR. CANDLISH: Okay. David Fullerton.
9 MR. FULLERTON: My name is David Fullerton,
10 D-a-v-i-d; F-u-l-l-e-r-t-o-n.
11 I'm here representing Metropolitan Water
12 District of Southern California.
13 I'm here to express support for the DWR's
14 environmental review process for the South Delta
15 Improvement Program.
16 California Bay Delta Authority approved a
17 South Delta Improvement Program in December of 2004 as
18 part of a balanced set of projects under the Delta PH1-DF1
19 improvements package. The SDIP not only represents
20 CALFED's first significant water quality and water
21 supply reliability improvement program, it also provides
22 enhanced fishery protection, specifically the benefits
23 include enhanced operational flexibility to pump during
24 the fish friendly periods and to capture flood flows
25 that would otherwise be lost; improvement in keeping
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1 migrating salmon in the main stream of the San Joaquin
2 River and away from the export pumps; advances in
3 maintaining adequate water levels and quality for South
4 Delta agriculture diversions and a modest increase in
5 diversions for the state water project at bank's pumping
6 plant, we're only talking about a percent or so, perhaps
7 less than would be utilized when the environmental and
8 hydrologic conditions permit.
9 I think it's important to note that even under
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10 the most expedited implementation of the EIR/EIS no
11 independent controls of water would occur before 2009.
12 This timeframe will allow for thorough scientific review
13 to pinpoint the cause of the fish decline and to adjust
14 project operations in this project, if needed.

PH1-DF2

15 Some have argued that increasing Delta pumping
16 before fisheries decline has been reversed and fish
17 population restored is inappropriate. We believe,
18 rather, that current scientific evaluation being
19 conducted by the state and federal team of fisheries
20 experts will improve our understanding of the causes of
21 the decline to assure that inappropriate actions are not
22 advanced.

23 Furthermore, at this time there is no evidence
24 in the historical record that pumping is a major cause
25 of the decline.

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1 Given the above, and in sight of the fact that
2 the SDIP is a fundamental component of the CALFED
3 program's mission to absolutely improve water supply,
4 water quality of the ecosystem, Metropolitan strongly
5 supports the two-part SDIP environmental process and we
6 urge that you continue as expeditiously as you can.

7 We'll also be submitting written comments, as
8 well.

9 Thank-you.

10 MR. CANDLISH: Thank-you, Mr. Fullerton.
11 Before we call the next speaker I will give
12 you the next group of speakers, so if they could move to
13 the front of the room.

14 Laura King Moon from State Water Contractors;
15 and Tina Swanson from the Bay Institute.
16 Brent Walthall.

17 MR. WALTHALL: Good morning. My name is Brent
18 Walthall, B-r-e-n-t; W-a-l-t-h-a-l-l. I'm the
19 Assistant General Manager for the Kern County Water
20 Agency. We serve state water, project water and other
21 local supplies to the agricultural and urban areas
22 around Bakersfield, California.

23 I would like to commend the Department and the
24 Bureau for its effort on this EIS/EIR and this project
25 as a whole. Dividing it into two stages is an

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1 appropriate way to proceed given the climate we have in
2 the Delta, the environment over the continuation of
3 certain fishery species and evidence undergoing -- that
4 you are currently undergoing to resolve that problem.
5 We appreciate your efforts to not shy away from efforts
6 to improve water supply and water quality, at the same
7 time you are proceeding with improvements for fishery
8 species.

PH1-BW1

9 Particularly, we note that the gates that you
10 are intending to install are intended to improve water
11 quality and fishery movement through the South Delta.
12 Those environment and water quality components of those
13 two projects are important and should proceed but we
14 think should be noted that (inaudible) until that second
15 decision is made.

16 As Ms. Kelly noted in her opening remarks it
17 will be 2009 before these gates are installed, and as
18 such we are cognizant of the possibility that the
19 Department and the Bureau may choose not to seek an
20 increase in its 8,500 permit until after those gates are

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21 installed.
22 We would note, however, that the EIS/EIR
23 proposes a significant amount of environment mitigation
24 for a project which in its first phase will have water
25 quality improvement and fisheries improvement. We

PH1-BW2

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1 question the degree to which that environment mitigation
2 may be required and we will be submitting comment later
3 for the record that will articulate where we believe
4 that in mitigation may exceed the necessary action
5 agreement for EIS/EIR and then go therefore from
6 mitigation into the enhancement world (ph).

7 Finally, I would like to mention -- I note a
8 couple of other people have mentioned -- this is the
9 idea that this, the project should have looked at
10 reducing exports. We completely disagree with that as
11 it would not have reached the project purpose as
12 described in the CALFED program. We understand that
13 some believe that the CALFED EIS/EIR is no longer valid,
14 may remain invalid after appeals through the Courts, but
15 we like to note that the EIS/EIR prepared is a stand
16 alone EIS/EIR and does not require the CALFED EIS/EIR as
17 a supporting element.

PH1-BW3

18 Thank-you very much for the chance to provide
19 comments and we'll submit written comments in the
20 future. Thank-you.

21 MR. CANDLISH: Thank-you.

22 Laura King Moon.

23 LAURA KING MOON: Thank-you. I'm Laura King
24 Moon, Assistant General Manager for the State Water
25 Contractors. My name is spelled L-a-u-r-a; K-i-n-g;

0024
1 M-o-o-n.

2 I would like to read into the record a letter
3 that is transmitted from our general manager to DWR
4 director Lester Snow.

5 (Reading) "Dear Director Snow:
6 On behalf of the State Water Contractors I am
7 writing to express our strong support for the
8 ...South Delta Improvements program, a
9 critical water supply, water quality and
10 environmental project. While SWC will also be
11 submitting separate technical comments on the
12 draft EIR/EIS, we wanted to take this
13 opportunity today to commend you for moving
14 forward now with this key project.

15 The SWC consists of 27 water agencies
16 throughout the state that purchase water under
17 contract with DWR. Our member agencies serve
18 water to more than 20 million people in the
19 Bay Area and Southern California, and 750,000
20 acres of irrigated farm land in the Central
21 Valley. Our member agencies are fully
22 committed to environmental protection and
23 responsible water management and regard the
24 SDIP as a cornerstone in the system we need to
25 meet California's water needs.

PH1-LKM1

0025
1 As you know, in order to have a safe, reliable
2 and high quality water supply to keep up with
3 our rapidly rising population and trillion
4 dollar economy, we must better utilize our
5 limited water supplies, using our existing

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6 infrastructure as efficiently as possible.
7 Two-thirds of California received it's water
8 from the Bay-Delta, we need to make every drop
9 count. Otherwise, we put the public and the
10 environment at great risk.
11 In the year 2000 the state and federal
12 governments initiated the historic CALFED
13 Bay-Delta Program to reduce conflicts in the
14 Bay-Delta and advance projects that would
15 improve water supply and quality while
16 benefitting the environment. Many
17 environmental organizations supported the
18 plan, as did water agencies, business
19 interests and farmers. SDIP is the next step
20 forward in this long-term planning effort for
21 the Bay-Delta.
22 Like the Bay-Delta program, SDIP is a
23 responsible and balanced project to better
24 utilize and integrate our existing water
25 management infrastructure in the Delta. when
0026 complete, it will improve our state's water
1 supply reliability, water quality and the
2 overall health of the Bay-Delta ecosystem.
3 The project includes construction of seasonal
4 tidal gates to protect fish and improve water
5 circulation and quality in the Delta. It
6 also includes dredging of select Delta
7 channels to improve water deliveries for local
8 farmers. And eventually it will allow State
9 Water Project deliveries to increase modestly,
10 but only when needed and environmentally safe
11 to do so.
12 Currently, the state is constrained in its
13 ability to use surplus water supplies. We
14 have the infrastructure to move the water, but
15 until SDIP is approved we cannot fully or
16 responsibly use the existing system. While
17 SDIP would provide at most a 5% increase in
18 the average amount of water delivered from the
19 Delta, it will provide the flexibility to
20 shift the timing of water deliveries when
21 surpluses are available and when it is
22 environmentally safe to do so. SDIP does not
23 require building a new project and is already
24 funded through passage of voter approved bonds
0027 in the year 2000.
1 Given all these points, SDIP is supported by a
2 statewide, growing coalition of water,
3 agriculture, business, planning organizations
4 and local government officials called
5 California's Water Future. These agencies
6 including ACWA, California Chamber of
7 Commerce, California Business Properties
8 Association, the Western Growers Association,
9 the SWC and many others understand that water
10 is the lifeblood of California. We understand
11 it is our responsibility to use this precious
12 resource wisely through all possible best
13 management practices, including water
14 conservation, recycling and storage to ensure
15 California's water future. And we understand
16

PH1-LKM1

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17 it is imperative to have a more flexible water
18 delivery system so that we can continue to
19 accommodate growth in our population and
20 economy while relying on existing water
21 facilities.
22 SDIP is a key component of a responsible,
23 balanced water supply program for the state.
24 As such, we urge you to move forward with this
25 critically needed project."

PH1-LKM1

0028
1 Thank-you.
2 MR. CANDLISH: Thank-you.
3 Okay. While Ms. Swanson is coming forward,
4 do you have some more?
5 I have a few more names to come forward. Ara
6 -- I would butcher your last name, I know. And Valene
7 Nera. If you would come to the front row, too.
8 Okay.
9 MS. SWANSON: Good morning. My name is Tina
10 Swanson, I'm senior scientist with the Bay Institute.
11 My name is spelled T-i-n-a, S-w-a-n-s-o-n.
12 I am here to make several comments about the
13 overall South Delta Improvement Plan; and in particular
14 I would like to focus some of my comments on the
15 supplement and analysis EIR/EIS.
16 South Delta, SD Improvement Program as I
17 understand it, and I have been involved in some of the
18 earlier stake holder meetings trying to craft some of
19 the alternatives, essentially has a single purpose and
20 that is to increase exports from the Delta while
21 maintaining minimally tolerable and legally required
22 water quality conditions and water levels. This
23 project is now being proposed for the purpose of
24 increasing exports, but apparently ignores the fact that
25 exports, annual exports from the Delta during the past

0029
1 five years have already increased by more than 20%
2 compared to when the CALFED process began in the mid
3 1990s.
4 with regard to the analysis included in the
5 EIR, I would like to suggest that it is flawed in two
6 very serious ways. One is it relies heavily, almost
7 inclusively on the use of a CALSIM model which according
8 to the Science Panel Review of the operations and
9 criteria and biological opinion for salmon represents a
10 serious flaw in trying to evaluate the impacts of
11 operations modeled and predicted using a monthly time
12 step and biological resource which are essentially
13 responding to daily operations.
14 Second, the CALSIM analyses that were
15 conducted for the SDIP process failed to include the
16 likely consequence of global climate changes and how
17 they will affect overall hydrology in the system.
18 Therefore, operations as they are predicted for the
19 CALSIM model for future operation with or without SDIP
20 because they are based on analysis of historical data
21 are in essence likely in error and almost certainly
22 underestimate the impacts.
23 Overall, the SDIP project has the objective --
24 by increasing exports and maintaining minimal water
25 quality it essentially is a project which is designed to

PH1-TS1

PH1-TS2

0030
1 facilitate our current status quo operations in the
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2 Delta or possibly to expand them. In fact, the current
3 situation in the Delta, whether you are looking at it
4 from an ecological perspective or a physical water
5 quality perspective and a reliability perspective is
6 more and more being recognized as unsustainable in the
7 long term. So I would hardly characterize the South
8 Delta Improvement Plans which are fairly expensive and
9 have fairly large infrastructure addition to the system
10 to be a responsible project for the future operation of
11 this system and the export of water for use by the rest
12 of the state.

13 The two key components of SDIP: the
14 installation of permanent operable barriers in the South
15 Delta and the increases of water exported by allowing --
16 by increasing the permanent capacity of the state water
17 project, these acts, the effect of these acts on the
18 Delta ecosystem and its resources are being shown
19 through increasing amounts of evidence and scientific
20 analysis to be already harmful. These two actions are
21 already known to be harmful to the Delta ecosystem in
22 it's biological resource. SDIP proposes to exacerbate
23 those impacts.

PH1-TS3

24 The impact analysis that was conducted for the
25 effects of the permanent operable barriers in the South

0031
1 Delta is, in my view, completely inadequate. It's well
2 known that the operation of those barriers by altering
3 Delta circulation in the southern Delta increases the
4 entrainment of small and juvenile and larval fishes and
5 reduce their ability to move through the system in
6 regular seasonal migrations that many of the species
7 that uses the Delta make.

8 In addition, it's not clear to me how the
9 barriers are going to be operated in order to facilitate
10 the needs of seasonally present fish like Delta smelt.
11 Currently the barriers are operated, the rock barriers
12 with their culverts operating and the culverts are
13 opened when Delta smelt are present. This allows some
14 minimal maintenance of needed water lifts in the South
15 Delta in the face of high export. It's not clear to me
16 how this (inaudible) designed barriers will be able to
17 function while protecting Delta smelt at the same time
18 with water levels.

PH1-TS4

19 One of the results of the on-going research
20 into the pelagic organism decline suggests that overall
21 the number of days during which the South Delta barriers
22 have been in place has been increasing over time ever
23 since the barriers were first installed. There is
24 evidence that that increase in the power decision of the
25 installation of the barriers is coincident with many of

0032
1 the Delta fish declines that we have measured. And as
2 far as I'm aware there was no analysis of the effects of
3 barrier installation, duration and overall Delta fish
4 population. That represents an inadequacy in the
5 impact analysis for this particular component of the
6 SDIP project.

7 There is growing evidence that the effect of
8 exports on Delta fish populations may be significant and
9 severe. As I mentioned, just during the last five years
10 exports have increased by more than 20%, and at certain
11 seasons the increases in exports are even greater than
12 that. Evidence identified by the pelagic organism

PH1-TS5

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13 decline research team correlates that increase in
14 exports with increase in direct impacts on many of the
15 key and priority species in the Delta that we're
16 required to protect; additional analyses presented at
17 the (inaudible) review of the environmental water
18 account clearly showed statistically different
19 relationships when export levels and overall population
20 of Delta smelt, one of the key species that will be
21 impacted by this project, of the data that are used to
22 conduct these analyses were available at the time your
23 EIR/EIS was being completed and its absence in the
24 document certainly suggests to me that you did not use
25 the available information to adequately evaluate the
0033
1 impact of the proposed project.
2 MR. CANDLISH: Could you try to wrap up your
3 comments?
4 MS. SWANSON: Yes.
5 The only mitigation that is proposed for the
6 direct impact of SDIP on fish is the environmental water
7 account which is used periodically to reduce exports and
8 therefore reduce take. However, to date after five
9 years of operation there is absolutely zero evidence
10 that the EWA provides any meaningful benefit to fish
11 species in the Delta; and in fact its initial five years
12 of operations has coincided with one of the largest
13 declines of multiple species we have seen in this
14 matter.
15 In addition, the EWA has been operating in an
16 environment in which exports have increased at a far
17 greater rate than the capacity of this mitigation tool.
18 We at the Bay Institute will be submitting
19 written comments, but prior to that we would like to
20 recommend that this particular EIR be put down and the
21 impact of the proposed project be analyzed as well as
22 additional alternatives examined.
23 Thank-you.
24 MR. CANDLISH: Thank-you, Ms. Swanson.
25 Ara.
0034
1 MR. AZHDERIAN: Good morning. My name is Ara
2 Azhderian, A-r-a; last name A-z-h-d-e-r-i-a-n.
3 I am water policy administrator for the San
4 Luis I and Delta Mendota Water Authority. Our agency
5 represents thirty-two water irrigation districts south
6 of the Delta, and the geographic area roughly west of
7 the San Joaquin River from the city of Tracy in the
8 north, Kettleman City in the south and to the west
9 through San Benito, Santa Clara, Monterey and Santa Cruz
10 counties.
11 Our thirty-two member agencies serve millions
12 of residents, tens of thousands of family farmers
13 cultivating millions of acres and farm land and
14 countless water fall that benefit from the private,
15 state, federal refuge is served by our agency and its
16 members and they heavily rely upon on the Pacific
17 throughway.
18 I would like to convey to you the support of
19 our members and of our region in your efforts to advance
20 the South Delta Improvement Program in a balanced and
21 responsible manner.
22 In reviewing the draft environmental
23 documentation we find whether we look at it in isolation
Page 14

PH1-TS5

PH1-TS6

PH1-TS7

PH1-AA1

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24 or in the context of the larger program the document
25 clearly demonstrates balanced and responsible thinking.

0035

1 For example, the Stage One acts as identified,
2 twenty-five percent of the total funding targeted for
3 the Stage One acts are directed at mitigation,
4 preservation and conservation efforts. Those are
5 direct benefits to the environment and region and we
6 look forward to those.

PH1-AA1

7 There is another 70% of the funding that's for
8 indirect benefits, either through the permanent fish
9 protection facility to be installed at the Head River or
10 through the water quality benefits to be realized in
11 South Delta area.

12 The Stage Two components, while providing
13 nominal water operational enhancement to provide
14 environmental benefit, the EWA would receive enhanced
15 assets throughout all of the scenarios contemplated; and
16 in one of the scenarios contemplated 100,000 acre feet
17 of additional capacity could be released for the species
18 in our region that are second spawned and have need.
19 Fish aren't the only species in the state that require
20 enhanced management.

21 Stepping back and looking at the project in
22 context of the CALFED program we find that it also helps
23 to support the balanced implementation of CALFED's,
24 certainly one of its cornerstones. Over the last many
25 years nearly a billion dollars has been spent on

0036

1 ecosystem restoration program, the environment water
2 account. Hundreds of millions, and those have been
3 focused on the Delta and yet we are still in a situation
4 where there is considerable concern over the health of
5 the Delta. All of these things have gone on absent the
6 SDIP.

7 In addition to the environment, the benefits
8 of increasing the permitted export capacity, we would
9 like to remind folks that the -- an increase in
10 permitted capacity is not a license for the project
11 agency to operate in a reckless manner. The regulatory
12 constraint that exists today such as the UI ratio, X-2
13 and others (inaudible) will continue. So not a carte
14 blanche to just wreak havoc over the world.

15 Also, given the program's relationship to the
16 larger CALFED program, one of the areas of concern we
17 have, if the SDIP is not advanced that the program
18 itself, the CALFED program that is itself could be found
19 out of balance and that would jeopardize future funding
20 opportunities for both the federal and state
21 governments.

PH1-AA2

22 I would like to say that all people in the
23 state who are aware of the Delta share concerns for its
24 health issues. I think that there has been a lot of
25 melodramatic shrill over the cause of it.

0037

1 Unfortunately, those of us in the resource management
2 business don't have the luxury to get at the problems.

3 We believe that there has not been a clear and
4 direct correlation established between the operation of
5 the project facilities in decline of the pelagic fish.
6 We do recognize that over the last three years, the
7 period of most concern, exports have increased an
8 average of six percent, that is true, but these

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9 increases incur in the context of the overall water
10 supply of the Delta; and therefore, when one looks at
11 outflow one will find that outflow increased by 20% and
12 relationship between outflow and exported outflow, 233%
13 of the export total.
14 So, those of us that are concerned and relying
15 upon the Delta very strongly advocate for open thinking
16 about the science and where it will lead us. We don't
17 feel we have the luxury to jump to conclusions as to the
18 causes; and we do support the balance and the
19 consideration that has been given by both the Department
20 of Water Resources and Reclamation to this project. We
21 believe its overall environmental benefits as well as
22 its nominal water supply potential clearly support the
23 project moving forward.
24 Thank-you. We will be also submitting
25 detailed written comments.

PH1-AA2

0038
1 MR. CANDLISH: Thank-you.
2 Valene.
3 Next three speakers, if they could come up to
4 the front seats. David Nesmith, Carla Nemeth from Zone
5 7 Water Agency and Matt Vandersluis.
6 MS. NERA: Good morning. I'm Valene Nera,
7 that's spelled N-e-r-a. I'm the Resources Director for
8 the California Chamber of Commerce.
9 The Chamber represents a cross-section of the
10 business community: large businesses, small businesses,
11 all types, all kinds, all over the state. Three-fourths
12 of our memberships are all businesses considered less
13 than a hundred employees. The South Delta Improvement
14 program is exactly the kind of smart investment in
15 infrastructure that California needs to sustain its
16 vibrant economy and protect the environment.
17 The business community is reliant on the
18 stable source of water in order to prosper. The
19 operational flexibility offered by this program is
20 critical to managing the flow of water to accommodate
21 growth throughout the state while at the same time
22 protecting the environment given the enormity of
23 infrastructure repair and modernization needs costing
24 millions of dollars and dozens of years to accomplish,
25 the South Delta implementation program is a must to us

PH1-VN1

0039
1 and we urge you to go forward with the program.
2 MR. CANDLISH: Thank-you.
3 David Nesmith.
4 MR. NESMITH: David Nesmith, the facilitator
5 for the California Environmental Water Caucus.
6 I'm going to be quietly melodramatic and
7 shrill.
8 N-e-s-m-i-t-h.
9 The California Department of Water Resources
10 has produced a California water plan which looks
11 twenty-five years into the future accommodating economic
12 and population growth. It's the conclusion of the
13 California water plan that with current trends
14 continuing the state's needs for water will be slightly
15 less or perhaps slightly more than the water needs which
16 are currently being served by the current water system
17 in California. At the same time the Department of
18 Water Resources is proposing to increase the rate of
19 pumping by 127 percent while proposing an environmental

PH1-DN1

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20 program which does not take into account the fact that
21 the pelagic organisms in the Delta have been in decline
22 at the same time that record volumes of water have been
23 exported from the Delta in the last three, four, five
24 years.
25 California Environmental Water Caucus is made
0040
1 up of twenty organizations: fishing organizations,
2 environmental organizations, commercial fishermen. We
3 urge you to withdraw this document. Go back and do a
4 study that actually does the project purpose --
5 accomplishes the project purpose for which the SDIP has
6 been funded, which is to improve fisheries, improve
7 fishery resources, increase the reliability of
8 California's water supply for the economic and
9 population growth that is projected into the future
10 without destroying the Delta.
11 This can be done. We have the information;
12 your department has the information. Don't even have to
13 go outside your own department. And I urge you to do
14 so. Withdraw the document and re-write it to fully
15 accomplish the purposes for which you have established
16 this project.
17 I want to give Cathy Kelly full employment for
18 several more years.
19 MR. CANDLISH: Thank-you, Mr. Nesmith.
20 Carla Nemeth.
21 MS. NEMETH: Hi there. My name is Carla
22 Nemeth. I'm here from Alameda County Flood Control and
23 Conservation District Zone 7 Water Agencies. We are a
24 water wholesaler and provide treated and untreated water
25 to 200,000 customers in the Livermore/Amador Valley.
0041
1 75% of our water supply comes from the Delta.
2 We also employ a water conservation program and recycled
3 water program to help meet our area's water supply
4 needs. Given that 75% of our supply does come from the
5 Delta, we are very supportive of any effort to preserve
6 the ecosystem of the Delta and we believe that that's
7 critical to maintaining the Delta as a reliable high
8 quality water supply. As such we are here to support
9 the SDIP today as a good program, a balanced program to
10 help achieve that goal.
11 Thank-you very much.
12 MR. CANDLISH: Thank-you.
13 Matt Vandersluis.
14 I want to urge anybody who does want to speak,
15 this is the last speaker, so if anybody else wanted to
16 speak if they would please go to the back of the room,
17 turn in a speaker card so that they will get the
18 opportunity.
19 MR. VANDERSLUIS: Good morning. My name is
20 Matt Vandersluis with the Planning and Conservation
21 League.
22 I'm going to make a few comments --
23 MR. CANDLISH: Could you spell your name for
24 the reporter?
25 MR. VANDERSLUIS: Van, V-a-n-d-e-r S-l-u-i-s.
0042
1 I would like to make a few comments this morning that
2 will be mirrored in the written comments that we submit
3 before the February 7th deadline.
4 Our principal point this morning is that the
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PH1-CN1

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5 South Delta Improvements Program, or more correctly	
6 entitled, South Delta Increased Pumping Plan	
7 Environmental Documentation is deeply flawed and legally	
8 inadequate even for the purpose of a draft and must be	
9 withdrawn.	
10 Now, the Delta smelt are going extinct. They	
11 have faced human pressures for decades and are under a	
12 severe population crash. And if we don't do something	PH1-MV1
13 immediately to improve the likelihood of survival we are	
14 going to watch species go extinct. Now, clearly, this	
15 document should then apply ways to accomplish that, to	
16 improve the Delta. To improve the Delta for a species	
17 that is going to go extinct unless we do something. It	
18 should then analyze an alternative that decreases	
19 exports from the Delta. Unfortunately this document	
20 does not do that and is therefore legally deficient and	
21 needs to be withdrawn.	
22 Now, recently the CALFED Record of Decision	
23 was thrown out by the appeals court in part because it	
24 failed to analyze decreasing exports from the Delta.	
25 I'm concerned that the Department of Water Resources is	
0043	
1 going to not follow the direction of the court and	
2 therefore face the same legal challenges that the CALFED	
3 Record of Decision has faced.	
4 Now, this document does not look at decreasing	
5 exports from the Delta, it only looks at increasing	PH1-MV2
6 exports from the Delta. In fact, the operable barrier	
7 section of this proposal is only analyzed under 8,500	
8 cubic feet per second under increasing exports from the	
9 Delta. That is legally deficient and the document needs	
10 to be withdrawn.	
11 The Department of Water Resources is	
12 currently, under current operations, killing fish at the	
13 South Delta pumps without a legally required take	PH1-MV3
14 permit. We do believe that they would comply with the	
15 law under this new project if they are not complying	
16 with the law right now.	
17 And a statement on water quality. One of the	
18 project needs is -- one of the stated project needs is	PH1-MV4
19 improving water quality. Now, unfortunately according	
20 to this draft water quality would be decreased under the	
21 South Delta increased pumping plan. This project must	
22 analyze an alternative that increases water quality in	
23 the Delta and out of the Delta without harming the Delta	
24 environment.	
25 One other point that I wanted to make is	
0044	
1 climate change. Now, there is a lot of information out	
2 there about climate change and the impact it's going to	
3 have on California. On California businesses, on the	
4 California environment.	PH1-MV5
5 There are a lot of models that look at what	
6 those impacts are going to be that study a range of	
7 impacts. In fact, the California Energy Commission has	
8 recently completed a study modeling the effects of	
9 climate change on water in California. We believe that	
10 the Department of Water Resources has completed their	
11 own study modeling of the effects of climate change on	
12 the state water projects but has not yet released that	
13 research to the public. Clearly, if we are looking at	
14 climate change happening in California affecting	
15 California businesses, affecting the environment then we	
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16 must analyze these projects with that data.
17 The 8,500 portion of this project has not been
18 analyzed under any climate change scenarios; therefore,
19 there is not information available as to what will
20 happen when the climate starts to change. When there
21 is less water at certain times of the year; when there
22 is more water at certain times of the year.
23 The operable barriers have also not been
24 analyzed under climate change scenarios. So this means
25 that if there is sea level rises we may be looking at
0045
1 operable barriers that are under water. Having spent
2 millions of dollars and caused great harm to the natural
3 environment to have a project that is under water, those
4 would be millions of dollars wasted, there would be
5 grave consequences.
6 So in summary, we are deeply concerned with
7 the project. We feel that environmental documentation
8 is deeply flawed, it is legally deficient and it is
9 inadequate even for the purpose of a draft and it must
10 be withdrawn.
11 Thank-you.
12 MR. CANDLISH: Thank-you.
13 Steve Evans of Friends of the River.
14 Just as a reminder to those who arrived late,
15 in terms of any comment that you might be making, time
16 period's been limited to ten minutes. Try to keep them
17 to ten minutes. I will warn you when you get down close
18 to that time.
19 MR. EVANS: Steve Evans, I'm Conservation
20 Director, Friends of the River. We are the statewide
21 river conservation group in California we have been
22 around since 1973.
23 We are very concerned about the so-called
24 South Delta Improvement Project mainly because we look
25 at the word "improvements," and our review of the
0046
1 document shows that the only thing that it will actually
2 improve is the ability of the state and federal agencies
3 to export more fresh water out of the Delta and send it
4 south.
5 I'm very concerned about how this project is
6 being presented to the public. It's being presented as
7 a project that will improve and protect fish. And it
8 possibly could do so if you don't take more water out of
9 the Delta; but in fact, it's connected to the original
10 CALFED Record of Decision which says basically, we're
11 going to improve the Delta so we can increase the
12 capacity of the Delta pumping by as much as 27%.
13 This project is, in fact, tied to many
14 different projects that are moving forward, including
15 Department of Water Resources study to build the site's
16 off-stream storage reservoir in Sacramento Valley, the
17 Bureau of Reclamation study to enlarge Shasta Dam and
18 its reservoir, the Bureau's proposed changes in
19 operation of Shasta Dam to allow for more export of
20 water south, the Bureau's renewal of federal water
21 contracts throughout the Central Valley in many cases
22 for more water than the Bureau has storage for, as well
23 as the Sacramento Valley Water Management Program which
24 encourages Sacramento Valley water districts to use more
25 ground water in exchange so they can market their
0047

PH1-MV5

PH1-SE1

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1 surface water south of the Delta.		
2 This is all tied in and all ties and points		
3 directly as a massive plan to send more water south of		
4 the Delta. Frankly, this project does not pass the	PH1-SE1	
5 laugh test as a project intended to improve either water		
6 quality or fisheries in the Delta. It's to send more		
7 water south. Shame on the Department of Water		
8 Resources for ignoring your own California water plan		
9 that says that if we invest sufficiently in water uses		
10 sufficiently and its conservation we can meet our future		
11 water needs for the next thirty years and reduce the		
12 water we are using from today.		
13 We don't need to pump more water from the		
14 Delta. Read your own California water plan and you will		
15 find that to be true.		
16 This is a project simply to provide further		
17 subsidy for San Joaquin Valley ag business as well as		
18 grow more suburbs in southern California. That's all it		
19 is.		
20 It's not a legally defensible project. The		
21 SDIP does not include a reasonable range of alternative	PH1-SE2	
22 as required by federal law. It does not include		
23 specifically an alternative that would reduce pumping		
24 from current levels.		
25 The Delta is in serious decline. We may lose		
0048		
1 and the Delta smelt may be extinct this year. That's		
2 the loss of a species that could have been prevented.		
3 And I would hold Department of Water Resources and		
4 Bureau of Reclamation directly responsible for that.		
5 We have to stop pumping from the Delta in	PH1-SE3	
6 order to protect these species. If we lose the Delta,		
7 we'll lose more than just a few fish species that few		
8 people apparently care about. This ecosystem is a major		
9 part of our ecosystem. We start losing a piece of our		
10 ecosystem and eventually it will affect our own lives.		
11 I would urge that this document be withdrawn,		
12 that Department of Water Resources and the Bureau drop		
13 its plans to increase pumping from the Delta; that it		
14 move forward with legal plans that improves water		
15 quality throughout the Delta not just shunts the		
16 freshest water to the pumps so could be exported south;		
17 that actually protects and restores fish species in		
18 their habitat, not just block them from access to the		
19 pumps; that actually does something to restore the		
20 ecosystem.		
21 This project does not do that. It's a		
22 complete failure. It means CALFED is a complete		
23 failure.		
24 If it moves forward you will see a re-ignition		
25 of the California water wars like you have never		
0049		
1 believed. I woke up this morning thinking of that Dylan		
2 Thomas quote, "Do not go gentle into the good night,		
3 rage, rage against the dying light." That's my		
4 exhortation (ph) against or exhortation (ph) for the Delta		
5 smelt as well as for the people who want to stand up and		
6 protest what's being done today.		
7 Now, I will be submitting detailed comments.		
8 Thank-you.		
9 MR. CANDLISH: Thank-you.		
10 Before I call the next speaker I just want to		
11 check --		
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12 We'll take a quick ten minute break.
13 (Whereupon, the proceedings stood adjourned at
14 10:20 a.m., and the following proceedings were
15 then had at 10:31 a.m.)
16 MR. CANDLISH: If we can resume.
17 Just as another reminder is if you wish to
18 speak please fill out a comment card and turn into the
19 registration table.
20 We are down to the last two. Gary Adams from
21 California Striped Bass Anglers Association.
22 And a reminder to spell your name and give
23 your affiliation for the court reporter.
24 MR. ADAMS: Thank-you, Mr. Chairman.
25 Gary Adams, California Striped Bass

0050

1 Association.
2 The reason I'm here today, and I will also be
3 at your hearing in Stockton, I have had the opportunity
4 to speak to several thousand people the last weeks at
5 all sport shows, San Mateo, San Francisco, here in
6 Sacramento. Everyone I have spoken with, the general
7 public that has not had access to the EIR although, know
8 that things are terribly wrong in the Delta.
9 I'm representing them, Striped Bass
10 Association, to let you know that the document that has
11 been submitted, the EIR is absolutely ridiculous. It
12 fails to address too many points. Only addresses
13 primarily three main fish species, the flora and fauna
14 is not complete. It does not address many of the
15 problems that we are having both chemically and failure
16 of water transportation and management.
17 We are not in favor of what is going on. We
18 want a complete address and the EIR redone. What has
19 been submitted and what is trying to be pulled over on
20 the public is unacceptable.
21 The idea of modifying the South Delta as you
22 put it in the EIR is absolutely incomplete. If you had
23 spent the years that many of the public has spent out
24 there recreating you will realize that your definition
25 of the South Delta is absolutely fictitious.

PH1-GA1

0051

1 We want and demand that this whole EIR be
2 re-addressed. The idea of taking plastic surgery to
3 your Delta for more water shipments to southern
4 California and agricultural interests before the science
5 has been proven as to the exact problems of the absolute
6 decline of all species is not attainable.
7 Thank-you.
8 MR. CANDLISH: Thank-you.
9 Mark Rockwell.
10 MR. ROCKWELL: Thank-you, Mr. Chairman.
11 Thank-you for giving me the opportunity to speak today.
12 Essentially I'm here representing the Northern
13 California Counsel Federation of Fly Fishers, as well as
14 many of the other fishing organizations here in the
15 State of California.
16 And I think my main comments on this is that
17 this program, the South Delta Improvement Program is one
18 that affects an entire estuary which is the largest
19 estuary in the United States in land estuary, at least
20 and as a result of that the impacts not only to the
21 Delta residents like the Delta smelt that has been
22 talked about a lot here which is on the brink of

PH1-MR1

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23 possible extinction at least, but it also impacts many
24 other species of which recreational fishermen as well as
25 commercial fishermen in that city depend upon. Those

0052

1 species would be salmon, steelhead and striped bass.
2 Particularly, striped bass is a very highly valued
3 recreational species in the Delta which what we now know
4 from (inaudible) showing of the year striped bass have
5 many of the records shows along with many of the other
6 fish in Delta from the Delta smelt through forage fish.

PH1-MR1

7 And additionally, the Delta is a necessary
8 estuary for many marine species who come into the
9 western side of the Delta and either spawn or reproduce
10 in some form. And it's also a nursery for those fish
11 before they go out the way and to the ocean in many
12 cases.

13 And essentially what we are asking from the
14 Northern California Federation of Fly Fishing is that
15 the Department of Water Resources as well as the
16 Department of Fish and Game and the U.S. Fish and
17 Wildlife Service, we are asking you to at least consider
18 and enforce the law as it's written relative to the
19 Endangered Species Act. Endangered Species Act calls
20 and mandates the agency to take to protect -- if we look
21 at the -- at the Delta smelt or Central Valley steelhead
22 or many of the chinook salmon runs in the Central and
23 Northern California area as water deliveries have
24 increased from the Delta those numbers of fish have gone
25 down in many cases, particularly with Delta resident

0053

1 fish like the Delta smelt.
2 We have been advised of three probable causes
3 of the crash of the fisheries in the Delta. Toxic
4 substance coming from -- into the Delta, invasive
5 species and water deliveries or water pumping from the
6 South Delta.

PH1-MR2

7 And one of our realities is that we don't have
8 much control over the first two. Toxins you certainly
9 don't have a lot of control over particularly in the
10 short runs; and you don't have any control over invasive
11 species again at least in the short run.

12 Over the agencies here, the Department of
13 Water Resources and the Central Valley Project
14 Department of the Interior have very clear ability to
15 reduce pumping levels very quickly and earlier last year
16 I remember after the spring, Department of Fish and
17 Game, Phil Tralls (ph) in a meeting in the resources
18 agency we asked the Department of Fish and Game, U.S.
19 Fish and Wildlife Service and the Department of Water
20 Resources to reduce pumping levels to around the level
21 of the year 20 when at least at that point had a
22 somewhat stable fishery. And we asked them at the time
23 why would you not be -- do that? And there was really
24 no answer to that question.

25 And as we have seen through the rest of the

0054

1 summer water deliveries were actually increased rather
2 than reduced. So if there was a real focus to provide a
3 better environment for endangered fish or an endangered
4 species to survive demonstrated by the Department or the
5 agencies involved either on a state or federal level.
6 In our opinion you have just ignored this request on
7 many occasions.

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8 So, we just feel that even though this program
9 is billed as a fisheries restoration process and that
10 you are going to do everything possible in order to
11 improve the Delta fisheries and the Delta ecosystem,
12 again if we look historically that's not what's happened
13 and by just sheer acts over the last year I'm not clear
14 that that's really the intent of the agency. I would
15 say the intent of the agency appears to be water
16 delivery with ignoring other requirements of the Delta
17 ecosystem.

PH1-MR2

18 So, we would ask you to abandon the Draft
19 EIR/EIS, if for no other reason than from the fact that
20 reducing Delta water pumping was never even evaluated in
21 that Draft EIR/EIS. And I think that's quite frankly
22 one of the considerations that at least needs to be
23 evaluated. And I think that the Draft EIR/EIS is an
24 incomplete document unless that option is evaluated.
25 Thank-you.

PH1-MR3

0055
1 MR. CANDLISH: Thank-you, Mr. Rockwell.
2 I'm going to go ahead and call the next
3 speakers. If they could come down and sit in the front
4 row until they are actually called to the mic.
5 Mark Franco, Zeke Grader, Caleen Sisk-Franco
6 and Julie Buckner.
7 Mr. Franco, come to the mic, please.
8 And also a reminder, comments are limited to
9 ten minutes. I will give you a one-minute warning
10 before the -- to give you an opportunity to sum up at
11 nine minutes.

12 MR. FRANCO: Thank-you so much for allowing me
13 to speak.

14 I am here --
15 MR. CANDLISH: Could you state your name and
16 your affiliation?

17 MR. FRANCO: (Speaking not in English) which
18 said was my name is he who speaks for the people who
19 talks back. I'm head man of the Wintun/Wintu tribe,
20 the (inaudible) which means black spider woman village.

21 I am here today representing our tribe; my
22 tribal spiritual and political leader is here as well
23 and we are here to talk about -- just a little bit about
24 your project.

25 Very impressive booklet.

PH1-MF1

0056
1 One of the things that we find very difficult
2 to understand is when you have a project like this that
3 are speaking for fish restoration, water restoration,
4 projects that are supposed to help nature, and when we
5 as Indian people look at these things we see that there
6 is no way that we can do what the Creator has already
7 set forth. Everything that man does in the waterways
8 jeopardize nature. Jeopardize the fish. Jeopardize the
9 water and its work that it does.

10 We find it impossible to stay quiet when we
11 see these things happen. For so many years Indian
12 people have been kind of pushed to the side when talking
13 about issues of this water or issues that happen in this
14 state. We are the first state people. Our tribal
15 people are the first caretakers of these waters.

16 And we come to these meetings and we make
17 presentations and we are not really good at it. We do
18 have college degrees, we have been to university but we

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19 don't seem to have a voice when it comes to talking at
20 these meetings with you all.

21 Our concerns go deeper than just what happens
22 to the Delta smelt. Our concerns go to what happens to
23 those little things that are in the water that need the
24 Delta smelt, that need the other fish within those
25 estuaries that help to clean the water.

0057

1 Man cannot clean the water any better than the
2 Creator already did. All man can do is pollute the
3 water. By changing waterways, by changing flows, by
4 increasing or reducing the water flows up and down the
5 estuaries and then its effect upstream is causing more
6 damage than it is good.

7 All of your scientific records and the drafts
8 and all of that stuff, it deals with one small aspect of
9 an entire system. We are a people who are inner-related
10 to all of these things that you call fish, all of these
11 things that you call riparian plants. Riparian areas.
12 We look at them as our relatives. We look at them as
13 our cousins and our uncles and aunts, grandmothers and
14 grandfathers.

15 What affects the Delta not only affects that
16 Delta but it affects what's out in the big water, the
17 ocean and what's upstream in the bigger rivers and the
18 smaller creeks. But none of your drafts and none of
19 your scientists, I don't think, have that view because
20 their charge is only to look at one thing.

21 You are trying to do something, and I must
22 give you credit for that, you are trying to do something
23 which is more than a lot of people do. A lot of people
24 just sit back and complain. You have had a lot of
25 people that have come up here and made complaints but

0058

1 they have offered you alternatives.

2 When we had our prayer downstairs we prayed
3 that you would open your eyes, it would open your
4 hearts, it would open the minds of your scientists and
5 the people who run the programs that you work for so
6 that you will open your heart and see exactly what it is
7 that you are doing.

8 At the last meeting, and one of the reasons
9 why I'm here today, the last meeting there was someone
10 who spoke and he said something about the complaints of
11 those people up there really don't matter because there
12 are just so few of them. Well, it used to be that there
13 were a lot more of us just like there were a lot more of
14 these smelt. And what happens to those smelt is what
15 happened to us.

16 I feel like Phil Donahue.

17 What happens to us is what happened to those
18 fish. We became endangered when the food that we
19 needed and the water that we needed and the place that
20 we needed to be were destroyed and damaged and changed.
21 But because we are related to the fish, look at them as
22 you would look at an Indian tribe that is a historic
23 tribe and see the damage that is happening to them. We
24 lose the ability to eat the salmon; we also the ability
25 to have our acorn. We lost the ability to have our deer

0059

1 when we wanted it.

2 When we prayed and these fish speak back to us
3 they tell us that there are things in the water that are

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PH1-MF1

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4 being pumped out just like the salmon were taken from us
5 and the deer and the acorn, the fish need those things,
6 too. But where is that in your reports? That there is
7 an innerconnectedness, that there is a need for all of
8 these things to be there.

9 We hold no grudge against anybody that needs
10 water to live. We are people that are water people.
11 The scientists say that our bodies are made up of a lot
12 of water, 80% or something like that. So we don't hold
13 a grudge against somebody who says, "I am thirsty, I
14 need water." But we don't take more than we need. We
15 don't take the water to such an extent that it damages
16 those other relatives of ours.

17 There are those that will listen to this and
18 they will say, "Oh, how quaint. This Indian man stood
19 up there and he said these things." But that's what we
20 believe. We have been here for a lot longer than you
21 have. So those things that we believe to us are true.
22 And all we ask is that you open your minds a little bit
23 and maybe look at the truth of those statements.

24 Like I said, you did a lot of work but it
25 still needs some work. You have had people that have

PH1-MF1

0060
1 come up and said that the plan is flawed. We have been
2 saying these plans are flawed since we first became
3 involved in this back in 1990s. That all of the plans
4 are flawed because they don't take into consideration
5 all of the aspects of these things. And I know it's
6 hard to do because you can't consider all of things if
7 you don't know what these other things are.

8 So I just -- I hope and prayed that at some
9 point, like our leader Florence Jones passed away, said
10 that people will wake up, that they will wake up and
11 look around and these are the things that need to
12 happen. Wake up and make good decisions because we all
13 can't just be dumb and die.

14 And that's all I have to say.

15 MR. CANDLISH: Thank-you, Mr. Franco.

16 Zeke Grader.

17 MR. GRADER: Thank-you, Mr. Chairman.

18 My name is Zeke, Z-e-k-e; Grader, G-r-a-d-e-r.

19 I'm the executive director for the Pacific Coast

20 Federation of Fishermen's Associations.

21 I want to thank you for the opportunity to
22 briefly comment here today. My organization represents
23 commercial fishermen, these are food producers. They do
24 it, I should say incidentally, producing that food with
25 no subsidy from either the U.S. Department of

PH1-ZG1

0061
1 Agriculture nor subsidy from water districts from below
2 rate water.

3 The operation of our members are important to
4 providing the economic mainstay for many of our coastal
5 communities up and down the coast and most of our
6 fishing industry along the northern and central
7 California coast as well as parts of Oregon and
8 Washington rely heavily upon the health of San Francisco
9 Bay and Delta. This Bay and Delta is the main migration
10 wave for the second largest run of salmon, the lower 48
11 states, second only to the Columbia system and actually
12 provides for and supports the social fisheries as far
13 north as the state of Washington. It's historically
14 been the largest spawning area for Dungeness crab along

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15 the pacific coast. Supports the largest herring fishery
16 south of British Columbia. Provides spawning area for
17 both English sole, California halibut within the Bay and
18 of course historically also supported a large oyster and
19 shrimp fisheries.

20 San Francisco Bay and Delta is in fact the
21 single most important estuary along the west coast of
22 North and South America. This estuary relies on -- for
23 an estuary to work, the nature of an estuary is it
24 relies on a mixing of fresh water with salt water.
25 Remove one of these and it no longer functions.

0062
1 And this really is what I intend to just
2 comment briefly on here today because we'll submit more
3 extensive comments.

4 And this is a reason we think you should
5 withdraw this EIR now rather than wait to be later and
6 be embarrassed by it. Because in fact it not only
7 violates a number of laws, it also violates actually
8 laws of nature. Because you are seeking to withdraw
9 more water. And let's make no mistake about it, that's
10 what this so-called improvement plan is all about, you
11 have mistakenly named it, about withdrawing more water
12 from this system.

13 And you cannot withdraw any more water from
14 this system. Indeed, we found that too much water has
15 already been withdrawn and this is what -- it should be
16 no surprise to anyone that we are seeing Delta smelt in
17 decline, in fact the whole ecosystem is in decline.

18 During the 1980s state board health hearings
19 with scientists. Over a year long period, another year
20 preparing a report. In October of 1988 they issued a
21 draft order. In that draft order found that 1.6 million
22 acre feet at that time, the Bay and Delta was deficient
23 of fresh water inflow to maintain the function of this
24 estuary.

25 Now, we have heard people decry, well folks

0063
1 are being shrill here arguing that the removal of this
2 water is the cause of that decline. Well, this was
3 under testimony that these people -- that these
4 scientists came up with, made their statements during
5 that whole year of 1986, the state board held, worked
6 again in 1987 preparing a report and then issued its
7 draft report in 1988.

8 What was shrill, what was shrill were the
9 state water contractors, a number of people you have
10 already heard from here this morning. Members of the
11 legislature and the governor indeed threatening to not
12 nominate again that the Chair of the state board if that
13 order saw the light of day. That was what was shrill.
14 That was what was shrill because basically it was simply
15 stating, don't bother us with the science because it is
16 not what we want to hear.

17 Now, Congress recognized that 1.6 mil acre
18 feet when it passed the Central Valley Project
19 Improvement Act in 1992 because clearly they split the
20 baby and said you feds are going to be responsible for
21 800,000 acre feet with the state to provide the other
22 800,000.

23 However, since that time and particularly with
24 that society of alchemists we all the CALFED, thinking
25 that somehow we could both increase imports and restore

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1 Bay-Delta resources, northerly resources, you know based
2 on that, that fallacy we have continued to go down that
3 road. And I think it's time that we begin realizing and
4 what's happening right now in the Delta should be
5 telling us that, is we have clear evidence the same way
6 we have clear evidence with the ice cap melting, that
7 global climate change is taking place. That we have got
8 real problems here and if you are going to improve the
9 Bay and Delta, you are going to have to increase outflow
10 not further decrease it with diversions.

PH1-ZG1

11 And that's the reason I would urge you now
12 rather than later, rather than when you are entailed in
13 litigation, is to withdraw this ill conceived plan now.
14 Because clearly it neither complies with the law on our
15 books, our statutes, nor does it comply with the laws of
16 nature.

17 Thank-you.

18 MR. CANDLISH: Thank-you, Mr. Grader.

19 Caleen Sisk-Franco.

20 MS. SISK-FRANCO: I'm glad to be here today.

21 MR. CANDLISH: Could you give your name again
22 and spell it for the reporter?

23 MS. SISK-FRANCO: Caleen Sisk-Franco.

24 C-a-l-e-e-n. Last name, S-i-s-k-f-r-a-n-c-o. I'm with
25 the Wintun/Wintu tribe of Northern California by McCloud

0065

1 River. Our river runs from the base of Mt. Shasta down
2 through to the ocean.

3 That's why we are here. You know, some people
4 say, "Well, why would the Wintuns come down from so far
5 up in the mountains to address this group on this
6 Bay-Delta issue here?" But we know that the waterway is
7 like your artery to your heart. Whatever is happening
8 somewhere along the line is going to affect you. It's
9 going to change it.

PH1-CSF1

10 And it already has. My great grandmother was
11 born in 1860 way before these dams and all of these
12 improvements and all of this progress was here. And
13 there were lots and lots of fish and deer and birds and
14 all kinds of things. And when I grew up there were
15 still quite a few salmon in the river, as we are fish
16 people.

17 And now, it just is not the same. People
18 think a forty-pound salmon is a big salmon nowadays;
19 it's not. It is half the size of what they were before.

20 Progress. And I hear this improvement. Every
21 time I hear these improvement words I know that more of
22 the original things are going to be diminished. Just
23 like they, you know, they name something like Fair Oaks
24 that means there will be no more oaks there. Orange
25 County, no more oranges in Orange County. That's what

0066

1 that means every time they do improvement and progress.

2 And right now, what the Wintuns would like to
3 express here is that we know that the Miwoks, I don't
4 know what tribes consulted with you or had a chance to
5 consult with you in your EIR report but you know that
6 there are a lot of Miwoks that are concerned about these
7 things and that there is their traditional territory and
8 that they should have a voice.

9 We are saying our piece of mind here because
10 those chinooks come up our river all the way from our

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11 ocean. We have two hundred lines of coast that we are
12 concerned with with the fish. Lot of people say, "Oh,
13 it's just fish." You know, lot of people don't even
14 like fish anymore. That's kind of scary, isn't it, when
15 Sacramento that had all these canneries and everybody
16 used to have fish. Now they don't. So they don't care
17 about them anymore.

18 Just like most people don't know where their
19 water comes from. They don't drink out of the river
20 anymore. They don't drink out of the streams anymore.
21 They have been warned against it. Why? You know, when
22 we went hunting and all that we used to drink from all
23 the streams. We still get our water from the streams up
24 in our area rather than drink tap water.

25 But what's happening with the -- this area and

0067

1 the mutated fish is like the miner's canary, don't you
2 think? Don't you think that the mutated fish in this
3 matter tells you something. Tells you something about
4 that water. That's what it happened, the miners bought
5 the canary, if the canary died it would mean the air was
6 no good, get out.

7 So I would like to request that you work to
8 put this area back like it was. Not change it again.
9 You are on the wrong road. You are doing the wrong
10 things. There were more fish and more clean water
11 before you started this thing. So you know, work what
12 you can to put it back like it was. You know, people
13 are wanting to move to California, they want to have a
14 home here, they want all these things.

15 Learn how to use the water that you have.
16 You know, change some of your building codes, your
17 development permits. Make them put their low flow
18 toilets in; make them have water storage areas so when
19 it is raining that they can use that water for watering
20 their lawns and gardens and not using the fresh water.

21 You know, I think California has forgotten
22 that there is only like a drop of fresh water in the
23 whole world that's drinkable. And we are fortunate to
24 have these rivers that are drinkable or used to be
25 drinkable. But all of this water goes round the world.

0068

1 So you need to think about that artery that's going to
2 your heart because you are clogging it up and all the
3 little platelets and all the little things that help
4 keep you healthy are being affected.

5 That's what we believe in our tribe, that's
6 why we are down here and that's why we are speaking up
7 for the fish, speaking up for the fresh water because
8 there is not a lot of water in the world and right here
9 we are damaging it. We are ruining it for what, for
10 money, for more people to move and build big houses, to
11 have big swimming pools? What is the reason?

12 If we want more water in the south why don't
13 those people move where the water is instead of building
14 on the deserts, you know, growing watermelons on the
15 deserts, cotton in the deserts, what is all that about?
16 It's like, going to have to change some thinking process
17 and get away from the money making and get back to fresh
18 water. Otherwise you are going to find that what's
19 happening to the Delta smelt will be happening to those
20 people who live there.

21 And it already is. I think that the

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PH1-CSF1

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22 Department of water knows that it already is happening
23 to those people. Lot of people have water that they
24 can't drink. Everywhere in the south. Fresno area,
25 Stockton area, already the tables are dropping and

0069
1 people are not having fresh water in their taps anymore.
2 So, something needs to be done and I hope that
3 you listen to the people that are telling you. Don't be
4 offended in any way because we're speaking from our
5 hearts to let you know that, you know, to do what you
6 can.

PH1-CSF1

7 Thank-you.
8 MR. CANDLISH: Thank-you. Our last speaker
9 is Julie Buckner.

10 Anybody who still wants to speak, you still
11 have a chance to go sign at the registration desk.

12 MS. BUCKNER: Thank-you. My name is Julie
13 Buckner, J-u-l-i-e; B-u-c-k-n-e-r.

14 I am here today on behalf of California's
15 water future. Try to be brief, but perhaps not as
16 eloquent as my tribal friends, previous speakers.

17 California's water future is a broad and
18 diverse group of statewide business agricultural water
19 and planning interests. You have heard some speakers
20 previously talk about California's water future. Want
21 you to know that we represent over seventy-five
22 organizations statewide, serving more than twenty
23 million people throughout the state of California, north
24 and south.

PH1-JB1

25 And there are a number of folks that are
0070

1 members of our coalition that weren't able to to be here
2 today and I just simply want to read some of their names
3 into the record so that you have a sense again of the
4 breadth and depth of support for this program.

5 And among them -- you did hear from several.
6 But among the ones that were not able to be here today
7 that asked me to just simply read their name into the
8 record, are the California and Nevada Chamber -- excuse
9 me -- Counsel of Laborers, the California and Nevada
10 Conference of Operating Engineers, the Latin Business
11 Association, the National Latina Business Women's
12 Association, Silicon Valley Manufacturing Group, the
13 Agricultural Counsel of California Western Growers
14 Association, among many others. Just wanted to make
15 sure that I had an opportunity to let you know that
16 there were folks out there who were not able to be here
17 today to join all of us but their hearts are with you,
18 as well.

19 Thank-you.
20 MR. CANDLISH: Thank-you. Seeing no more
21 speakers. Seeing as how there isn't anymore speakers I
22 would like to remind everyone that written comments are
23 due by February 7th of this year, 2006.

24 Information on how to submit those comments is
25 available at the back desk along with on Department of
0071

1 water Resources web site. So from that standpoint make
2 sure you get your comments in by the February 7th
3 deadline.

4 On behalf of Department of Water Resources and
5 the Bureau of Reclamation I want to thank all of you who
6 have come and donated your time and your comments. And

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7 at this point in time it bring a close of this public
8 hearing.
9 (whereupon, the hearing was concluded
10 at 11:05 a.m.)
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0072

REPORTER'S CERTIFICATE

1
2
3 STATE OF CALIFORNIA)
4 COUNTY OF SUTTER) ss.
5
6

7 I do hereby certify that the foregoing
8 transcript, consisting of 71 pages hereof, was taken by
9 me in shorthand at the time of the proceedings therein,
10 and that the foregoing is a full, true and correct
11 transcription to the best of my ability of the
12 proceedings held at said time.
13 DATED: February 20, 2006
14
15
16

17 LORI L. HAWS,
18 Certified Shorthand Reporter
19 CSR License No. 7298
20
21
22
23
24
25

Responses to Comments

Tom Stokely—Trinity County Planning Department

PH1-TS1

Please see Master Response C, *Extension of the Comment Period on the South Delta Improvements Program Draft EIS/EIR*.

PH1-TS2

Please see Master Response A, *Relationship between the South Delta Improvements Program and the Operations Criteria and Plan*.

PH1-TS3

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

PH1-TS4

Please see Master Response N, *Trinity River Operations*.

PH1-TS5

Stage 2 of SDIP is expected to operate in accordance with the provisions of the COA.

PH1-TS6

Please see response to comment TC-12 and TC-13 in Chapter 5, “Regional and Local Agencies and Indian Tribe Comments.”

PH1-TS7, PH1-TS8, PH1-TS9, and PH1-TS10

Please see Master Response N, *Trinity River Operations*.

Cindy Kao—Santa Clara Valley Water District

PH1-CK1

The commenter's description of the project benefits and support for the project are noted.

PH1-CK2

As noted in the comment, on average the water quality in Clifton Court Forebay will be slightly reduced. However, it should also be noted that the water quality at CVP's Tracy Pumping Plant will be beneficial.

PH1-CK3

The commenter's support for a phased decision-making process is noted. Master Response K, *Staged Decision-Making Process*, describes this process.

David Fullerton—Metropolitan Water District of Southern California

PH1-DF1

The commenter's description of the project benefits and support for the project are noted.

PH1-DF2

Please see Master Response K, *Staged Decision-Making Process*.

Brent Walthall—Assistant General Manager, Kern County Water Agency

PH1-BW1

The commenter's description of the project benefits and support for the project are noted.

PH1-BW2

The SDIP Draft EIS/EIR includes mitigation to reduce project-related significant impacts to a less-than-significant level. Only mitigation measures required to address significant impacts resulting from constructing and operating the gates and conveyance dredging will be adopted as part of Stage 1.

PH1-BW3

Please see Master Response J, *Relationship between the South Delta Improvements Program and the CALFED Record of Decision and EIS/EIR Programmatic Documents*.

Laura King Moon—Assistant General Manager, State Water Contractors

PH1-LKM1

The commenter's description of the project benefits and support for the project are noted.

Tina Swanson—Bay Institute

PH1-TS1

Please see Master Response I, *Reliability of CALSIM and DSM2 Models for Evaluation of Effects of the South Delta Improvements Program*.

PH1-TS2

Please see Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects*.

PH1-TS3

Please see Master Response K, *Staged Decision-Making Process*.

PH1-TS4

Please see response to comment CSPA-17 in Chapter 6, “Non-Governmental Organization Comments.”

PH1-TS5

Reclamation and DWR believe the best available data and assessment methods were used to prepare the SDIP Draft EIS/EIR. Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

PH1-TS6

Please see Master Response E, *Reliance on Expanded Environmental Water Account Actions for Fish Entrainment Reduction*.

PH1-TS7

The commenter’s request to withdraw the EIS/EIR is noted.

Ara Azhderina—San Luis Delta Mendota Water Authority

PH1-AA1

The commenter’s description of the project benefits and support for the project are noted.

PH1-AA2

Please see Master Response K, *Staged Decision-Making Process*, and Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

Valene Nera—California Chamber of Commerce

PH1-VN1

The commenter's description of the project benefits and support for the project are noted.

David Nesmith—California Environmental Water Caucus

PH1-DN1

Please see Master Response K, *Staged Decision-Making Process*, and Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

Carla Nemeth—Zone 7 Water Agency

PH1-CN1

The commenter's description of the project benefits and support for the project are noted.

Matt Vandersluis—Planning and Conservation League

PH1-MV1

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

PH1-MV2

The impacts of operating the fish control gate and the three flow control gates were evaluated in the Draft EIS/EIR for both Stage 1 (6,680 cfs) and Stage 2 (8,500 cfs).

PH1-MV3

DWR and Reclamation have prepared an Action Specific Implementation Plan in coordination with NMFS, USFWS, and DFG for SDIP Stage 1 actions. The SDIP is not addressing permits for existing SWP operations.

PH1-MV4

Chapter 5 of the Draft EIS/EIR provides an assessment of the changes in water quality under Stage 1. As shown in Table 5.3-1, water quality would generally improve in south Delta channels and at the CVP Tracy Pumping Plant. Decreases in water quality at other sites would not be substantial.

PH1-MV5

Please see Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects*.

Steve Evens—Friends of the River

PH1-SE1

South-of-Delta exports would not increase under Stage 1 of SDIP. As described and analyzed in the Draft EIS/EIR, CVP exports under Stage 2 would increase on average approximately 106,000 acre-feet annually and SWP exports would increase approximately 85,000 acre-feet annually.

Please see Master Response L, *Relationship between the South Delta Improvements Program and the California Water Plan Update 2005*.

PH1-SE2

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

PH1-SE3

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

Gary Adams—California Striped Bass Association

PH1-GA1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

Mark Rockwell—Northern California Counsel Federation of Fly Fishers

PH1-MR1

Construction and operation of Stage 1 of the South Delta Improvements Program will be in compliance with the provisions of the ESA and CESA. Reclamation and DWR have entered into formal consultation with NMFS, USFWS, and DFG for SDIP Stage 1 actions. Reclamation and DWR will also address ESA and CESA compliance during the time environmental compliance document is being updated for Stage 2.

PH1-MR2

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

PH1-MR3

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

Mark Franco—Winnemen Wintu Tribe

PH1-MF1

The commenter's opposition to moving forward with the SDIP is noted.

Zeke Grader—Pacific Coast Federation of Fisherman's Associations

PH1-ZG1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

Caleen Sisk-Franco—Winnemen Wintu Tribe

PH1-CSF1

The commenter's opposition to moving forward with the SDIP is noted.

Julie Buckner—California's Water Future

PH1-JB1

The commenter's support for the project is noted.